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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

END 897 DIV1/GSG

First Inventor: Seth Foerster et al.

Title: **Methods and Devices for Defining and Marking Tissue**

I hereby certify that this correspondence is being deposited today with the United States Postal Service as Express Mail - Post Office to Addressee in an envelope addressed to: Commissioner for Patents, MS Patent Application, PO Box 1450, Alexandria, VA 22313.

Name:

Linda F. Hansen

Date: July 30, 2003

(only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No.

EU 472 450 742 US

## APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
MS Patent Application  
PO Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.

3. ☒ Specification Total Pages: 28

(Preferred arrangement set forth below)

X Descriptive Title of the Invention

X Cross Reference to Related Applications

- Statement Regarding Fed sponsored R&D

- Reference to sequence listing, a table, or a computer program listing appendix

X Background of the Invention

X Brief Summary of the Invention

X Brief Description of the Drawings (if filed)

X Detailed Description

X Claim(s)

X Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) Total Sheets 7

5. Oath or Declaration [Total Pages] 1

a. ☐ UNEXECUTED

b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)

i. ☐ **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

7. ☐ CD-ROM or CD-R in duplicate, large tables or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. ☐ Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statement verifying identity of above copies  
ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement [ ] Power of Attorney  
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☒ Information Disclosure Statement

(IDS)/PTO-1449 [ ] Copies of IDS Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16. ☐ Request and Certifications under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. ☒ Other: Application Cover Sheet  
w/Express Mail Certification

6. ☐ Application Data Sheet. See 37 CFR 1.76

18. ☒ If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No.: 10/213,638 filed on August 7, 2002; which is a divisional of 09/954,646 filed on September 18, 2001; which is a continuation of 09/776,125, filed February 2, 2001; which is a continuation of 08/858,389 filed May 19, 1997; which is a continuation of 08/308,097 filed September 16, 1994.

**Prior application information:** Examiner: B. Koo Group Art Unit: 3764

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 000027777 or ☐ Correspondence Address below

Name: Philip S. Johnson, Esq.

Address: Johnson & Johnson  
One Johnson & Johnson Plaza  
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20. TELEPHONE CONTACT Gerry S. Gressel. Please direct all telephone calls or facsimiles to:

Telephone: (513) 337-3535 Fax: (513) 337-8489

## 21. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Gerry S. Gressel

Reg. No. 34,342

SIGNATURE

*Gerry S. Gressel*

Date: July 30, 2003

1909 U.S. PTO  
10/630863  
07/30/03

07/30/03  
16367 U.S. PTO

# **FEE TRANSMITTAL**

*Complete if Known*

Application Number	
Filing Date	July 30, 2003
First Named Inventor	Seth Foerster et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	END 897DIV1/GSG


## **FEE CALCULATION**

CLAIMS AS FILED

(1)	(2)	(3)	(4)	(5)
FOR:	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE
TOTAL CLAIMS	6	0	x 18.00	\$ 0.00
INDEPENDENT CLAIMS	2	0	x 84.00	\$ 0/00
MULTIPLE DEPENDENT CLAIMS	<input type="checkbox"/>	N/A	\$270.00	
			TOTAL FEES	\$750.00

## **METHOD OF PAYMENT**

- ☒ Please charge Deposit Account No. 10-0750/END 897DIV1/GSG in the amount of \$750.00.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the filing of this communication, or credit any overpayment, to Account No. 10-0750/END 897 DIV1/GSG.

<b>SUBMITTED BY:</b>		<i>Complete (if applicable)</i>
Typed or Printed Name	Gerry S. Gressel	Reg. No. 34,342
Signature		Date: July 30, 2003
		<b>Deposit Account No. 10-0750</b>